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Sixtieth session
Third Committee
Agenda item 69 (a)
Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Letter dated 25 October 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the information from the Permanent Mission of the Republic of Belarus to the United Nations regarding the situation with national minorities in Belarus (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 69 (a).

(*Signed*) Andrei **Dapkiunas**

05-57836 (E) 021105 021105

Annex to the letter dated 25 October 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

[Original: Russian]

National minorities in the Republic of Belarus

The Republic of Belarus is a unitary multinational State. Belarusians make up the basic part of the country's population. For many centuries, Russians, Ukrainians, Poles, Lithuanians, Tatars, Jews and Roma have also lived in the territory of Belarus.

Belarusians comprise 81 per cent of the 10 million persons living in Belarus. Nineteen per cent of the country's population is composed of more than 140 national groups and peoples, including Russians, 11 per cent; Poles, 3.9 per cent; Ukrainians, 2.4 per cent; and Jews, 0.3 per cent.

Since 1996, the term "minority" has not been used in Belarus with regard to citizens of different national groups. The concept of a "national community" is laid down in the Constitution of the Republic of Belarus. The term "national minorities" is used in the field of international relations.

There is no confrontation or conflict in Belarus on an ethnic, racial, linguistic or confessional basis. This stable situation is due to the mentality of the Belarusian people, the thousand-year history of peaceful inter-ethnic coexistence, and the long-standing and durable links between the ethnic groups living in the territory of Belarus.

National research has shown that the overwhelming majority of Belarusians do not take account of national factors in their everyday activities. More than two thirds of Belarusians have relatives from another national group. Almost 40 per cent of marriages in Belarus are contracted with representatives of other ethnic groups.

More than 20 legislative acts relating to national communities have been adopted in the Republic. The fomenting of national, racial or religious hatred is prohibited under national legislation. The commission of crimes with racist motives is recognized as an aggravating factor in terms of criminal liability.

Citizens who belong to national communities are guaranteed equal political, economic and social rights and freedoms in the Republic of Belarus. In accordance with the Constitution, the State bears the responsibility for maintaining the historical, cultural and spiritual heritage and developing the cultures of all peoples living in the country.

At the present time, 124 public organizations from 25 national communities carry out their activities in Belarus, and of that number 38 have the status of international and republican organizations. The activities of these organizations focus primarily on implementing cultural, charitable and educational programmes.

In a number of academic and educational institutions, teaching is conducted in the languages of national communities. Approximately 9,000 pupils in 188 secondary educational institutions studied the languages of national communities during the 2004-2005 academic year.

Special and elective courses have been set up in higher educational institutions for studying the history of the national minorities of Belarus, and international practice-oriented academic conferences on inter-ethnic relations have been organized.

With the assistance of the Committee on the Affairs of the Religions and National Groups of the Republic of Belarus, a number of new publications have recently been issued that are devoted to questions relating to the national communities: the compendiums *Protection of the Rights of Persons Belonging to the National Communities of the Republic of Belarus* and *Let Us Learn to Live Together*, the textbook *History and Culture of the National Communities of the Republic of Belarus*, and an information booklet entitled *Multinational Belarus*.

Actively developing international cooperation in the area of promoting the rights of persons belonging to national communities, Belarus is open to constructive dialogue and collaboration with all interested parties.

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31 October 2005

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Sixtieth session

Third Committee

Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 28 October 2005 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am writing with regard to your report to the General Assembly entitled "Human rights and unilateral coercive measures" (A/60/305). I would like to refer particularly to paragraphs 1 to 5 of the section of the report containing information received from the Government of Azerbaijan.

It is well known that the conflict is between Azerbaijan and Nagorno Karabakh, and the ensuing consequences are a result of Azerbaijan's aggression against the people of Nagorno Karabakh in response to their peaceful and just quest for self-determination, realized in accordance with international law and the existing Soviet legislation of the time. And it is the authorities of the Nagorno Karabakh Republic, democratically elected by its own people, that exercise full control over the Republic and the surrounding territories that became a buffer zone as a result of the full-scale war unleashed by Azerbaijan.

It is not the first time that in its futile efforts to mislead the international community Azerbaijan disseminates false information. In paragraph 1 of the report Azerbaijan continues its claim of "about 1 million refugees". This is despite the fact that the exact figures, far less of the Azerbaijani claims, have been regularly and clearly given by the Office of the United Nations High Commissioner for Refugees in its reports.

Moreover, this time Azerbaijan has gone to the extent of obfuscating obvious geographic realities by stating, in paragraph 2 of its report, that the Nakhichevan Autonomous Republic ... is linked to the rest of the country only by air. In fact, Nakhichevan, as an exclave bordering Armenia, Iran and Turkey, has an operational road connection with Azerbaijan proper through Iran.

An attempt is being made by Azerbaijan to present the consequences of its aggression against the people of Nagorno Karabakh as "unilateral coercive

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measures". The irony is that it is Azerbaijan that has imposed a blockade on Nagorno Karabakh and has exercised unilateral coercive measures against Armenia for almost two decades now. Already in 1988, following the peaceful movement in Nagorno Karabakh for self-determination, Azerbaijan closed the railroad with Armenia, hindering delivery of humanitarian assistance after the devastating earthquake in the same year.

Unfortunately, despite the continuing efforts by Armenia and Nagorno Karabakh to promote the idea of reopening all regional communication lines as a confidence-building measure, without any preconditions and even without benefits to Armenia, Azerbaijan continues to reject any such proposal.

I should be grateful if you would have the text of the present letter circulated as a document of the sixtieth session of the General Assembly under agenda item 71 (b).

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

United Nations A/C.3/60/6

General Assembly

Distr.: General
3 November 2005

Original: English

Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 2 November 2005 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 71 (c).

(*Signed*) Kyaw Tint **Swe**

05-58932 (E) 101105

Annex to the letter dated 2 November 2005 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the situation of human rights in Myanmar

I. Introduction

1. The General Assembly adopted resolution 59/263 on the situation of human rights in Myanmar on 23 December 2004. The main focus of this country-specific resolution was obviously not the situation of human rights but rather Myanmar's political situation. It also indicated how some powerful countries would like to see the democratization process in Myanmar. While the resolution purports to promote human rights in Myanmar, its real aim was to dictate the domestic political process of a sovereign Member State.

2. The resolution was mainly based on unsubstantiated allegations by remnant insurgents and anti-government groups that were waging a war of disinformation on Myanmar with generous funding assistance from some Western countries. The resolution was biased, intrusive, selective, subjective and highly politicized. The resolution was contrary to the provisions of the Charter of the United Nations as it delved into matters that were essentially within the domestic jurisdiction of a sovereign country. For the aforementioned reasons, Myanmar rejected the unfounded allegations contained in the resolution and dissociated itself from the adoption of resolution 59/263.

3. The annual report of the Secretary-General on the work of the Organization (A/60/1) has included a paragraph on the issue of Myanmar under the chapter on achieving peace and security and not under that on human rights. This further substantiated the fact that the resolution on Myanmar has nothing to do with the promotion of human rights but is part of the political agenda to interfere in the internal affairs of Myanmar by attempting to portray Myanmar as an issue of peace and security. The report of the Secretary-General on the situation of human rights in Myanmar, dated 10 October 2005 (A/60/422 and Corr.1), once again unmasked its real intention to meddle in the domestic political process of a sovereign Member State rather than to promote human rights in the country.

4. The present memorandum is being circulated to provide accurate information regarding the situation of human rights in Myanmar. It focuses in particular on important developments that have occurred in Myanmar during the past year. These include the reconvening of the National Convention, its steadfast adherence to the continued implementation of the seven-step political road map for a transition to a peaceful, modern, developed and democratic state as well as the Government's efforts for socio-economic developments of the country to fulfil the right to development of the people.

II. Developments in Myanmar

5. The people of Myanmar hold title to an ancient civilization. In view of the long history of harmony and amity among the national races, but for its bitter legacy as a colony, Myanmar would have been a more united nation.

6. An interval of over a century of colonial misrule constituted fertile soil for sowing seeds of mistrust and misunderstanding among the national races. From the dawn of independence in 1948 until the advent of the present Government, the resultant insurgencies of varying ideologies and affiliations convulsed the nation.

7. The economy was ravaged by the Second World War. The armed insurgencies further drained and stunted the normal process of development. The insurgencies defied successive governments to find a lasting solution.

8. The armed forces (the Tatmadaw) had to assume State power in 1988 to stem the anarchy and lawlessness that had taken the country to the brink of disintegration. The Tatmadaw Government abolished the single party socialist system as well as the rigid centralized economy and embarked on instituting reforms for a multiparty democratic system and a market-oriented economy.

9. The Government enunciated a set of 12 political, social and economic objectives to address the fundamental issues facing the nation. It initiated a process of national reconciliation to consolidate national unity.

10. To find a solution to the insurgencies, the Tatmadaw leadership used creative efforts, underpinned by sincerity and goodwill, to incrementally build confidence between the Government and the armed insurgent groups with different political affiliations.

11. Whereas preceding Governments demanded total surrender, the present Government invited the armed groups to give peace a chance, allowing them in the interim confidence-building period to continue holding on to their arms. As a result, 17 major and another 17 smaller armed groups have come back into the fold. They are now extensively engaged in respective regional development programmes, together with the Government. As never before, peace and tranquillity now prevail throughout the length and breadth of the country.

12. A ceasefire with all the 17 armed groups remains in place and the representatives of these groups are actively participating in the National Convention process.

13. The Government convened a National Convention in 1992 with the participation of the National League for Democracy (NLD) to formulate basic principles for a new democratic State constitution. However, in 1995 the NLD unilaterally boycotted the process and withdrew its delegates. For that reason the Convention had to be adjourned in the following year.

14. Desirous that all major players in the country participate for the benefit of the nation as a whole, the Government invited and held discussions with leaders of various national races and political parties, including Daw Aung San Suu Kyi and NLD.

15. She was encouraged by the Government to travel freely in the country to see first hand the Government's infrastructural projects and to obtain a better insight into the developmental achievements of the nation. During these visits she was extended all courtesies and hospitalities. Between June 2002 and April 2003, Daw Aung San Suu Kyi visited 95 townships in various states and divisions in the country. However, during her later visits, being misled by certain political elements, she unfortunately reneged on the agreed ground rules, including security

arrangements of the Government, and failed to abide by the terms of agreement with the authorities concerned.

16. Despite the advice by the authorities not to travel to areas where there was no police or security, on the night of 30 May 2003, Daw Aung San Suu Kyi and her followers nevertheless went to Dabayin in Sagaing Division, where an unfortunate confrontation between her followers and local people turned violent. The Government was compelled to adopt certain measures to maintain law and order to protect Daw Aung San Suu Kyi and her senior colleagues from harm. A criminal inquest was instituted regarding this incident.

17. The Special Envoy of the Secretary-General, Mr. Razali Ismail, met with Daw Aung San Suu Kyi in the course of his tenth visit to Myanmar in June 2003. Contrary to the allegations based on so-called eyewitness accounts, he confirmed that she was safe and unhurt. Subsequently, representatives of the International Committee of the Red Cross (ICRC) also visited her and her senior colleagues and confirmed that they were well treated.

18. The Special Envoy visited Myanmar again from 30 September to 2 October 2003. He visited Daw Aung San Suu Kyi and confirmed that she was well and in good spirits, recovering from recent major surgery she had undergone for a gynaecological problem at a private hospital.

19. In any case the resulting climate created by false rumours and misinformation set back the carefully nurtured dialogue yet again.

III. Recent political developments in Myanmar

20. On 30 August 2003, the Government of Myanmar outlined a seven-step political programme for a transition to democracy. The road map was overwhelmingly welcomed in the country and was well received by neighbours and friends of Myanmar.

21. The ninth summit meeting of the Association of Southeast Asian Nations (ASEAN) held in Bali, Indonesia, in November 2003, welcomed the positive developments in Myanmar and characterized the road map as a "pragmatic approach deserving understanding and support".

22. The Secretary-General, in response to a communication from the Prime Minister of Myanmar in September 2003, stated that he was encouraged by the adoption of the Government of its own road map for a transition to democracy and committed the United Nations to help facilitate the effort.

23. The first crucial step of the road map, the reconvening of the National Convention, was taken on 17 May 2004. The Convention was attended by 1,088 delegates. Only 44 delegates declined the invitation to participate: 33 from NLD, 8 from its affiliate the Shan NLD and 3 from a minor Kokang group. The Convention was much more inclusive than the previous one, which was composed of only 700 delegates. Of the total of 1,088 delegates, 633 were from the various national races. Additionally, it was attended by over 100 delegates representing 17 major and another 17 smaller armed groups who had returned to the fold.

24. The first session of the Convention focused upon the issue of powersharing between the Central Government and the states and regions. This is an issue of

much importance to Myanmar, a union of 135 national races. The states and regions will have their own executive and legislative bodies in the envisaged new structure.

25. The complex and sensitive nature of the issue resulted in time-consuming and at times intense discussions. The second session was held from 17 February to 31 March 2005 to lay down basic principles for a new State constitution. The next session of the National Convention has been scheduled to begin on 5 December 2005 to consider and approve the basic principles in accordance with the proposals by the delegates with regard to executive and judicial powers.

26. A common desire among the delegates to ensure the success of the road map was evident throughout the successive sessions of the National Convention.

27. The credibility of the Convention has never been questioned by any quarter within the nation except by NLD and its affiliate, the Shan NLD. The two parties declined the personally delivered invitations extended by the Convention conveners to participate in this important process. Putting the personal and party interest over the national interest, they failed in their bid to sway public opinion away from supporting the National Convention.

28. The Government of Myanmar, in its communication of 18 September 2004, assured the Secretary-General of its unsparing efforts to ensure the success of the Convention, which would lead to the successful drafting and an adoption by referendum of a democratic State constitution. Free and fair elections would then be held in which the people of Myanmar will elect leaders of their choice. The Government, under the new Prime Minister, again assured that all previous political commitments of the Government would be honoured. It should be noted here that the seven-step road map was conceived and implemented by the decision of the State Peace and Development Council and the Government formed by it.

29. Myanmar is fully capable of overcoming its national challenges. The international community could best help by allowing Myanmar to resolve domestic issues by herself. The political development in Myanmar falls entirely under her domestic jurisdiction.

IV. Cooperation with the United Nations

30. Myanmar strictly adheres to the principles and purposes enshrined in the Charter of the United Nations and as such, cooperation with the United Nations is the cornerstone of Myanmar's foreign policy. Myanmar has consistently cooperated with the United Nations in many fields including in the area of human rights, providing necessary information sought by United Nations bodies such as the Commission on Human Rights and its thematic rapporteurs.

31. Although Myanmar has dissociated itself consistently from the resolutions on the situation of human rights in Myanmar adopted annually by the Third Committee without a vote, due to lack of balance and objectivity of those resolutions, in the spirit of cooperation Myanmar has nevertheless welcomed the Special Envoy of the Secretary-General, Mr. Razali Ismail, to Myanmar on a total of 14 occasions, and the Special Rapporteur of the Commission on Human Rights, Professor Paulo Sérgio Pinheiro, six times.

32. In the past year, Myanmar has provided information and responded to communications sought by thematic rapporteurs and the questionnaire from the Independent Expert for the study on violence against children.

33. United Nations high dignitaries visited Myanmar during 2005 and those visits have further promoted Myanmar's cooperation with the United Nations. The Special Envoy of the Secretary-General for HIV/AIDS in Asia and the Pacific region Anti-AIDS Campaign, Mrs. Nafis Sadik, visited Myanmar in February; Mr. James T. Morris, the Executive Director of the World Food Programme, visited Myanmar in August and H.E. Mr. Ali Alatas, the Special Envoy of the Secretary-General on United Nations Reform, visited Myanmar in September. In each of these visits, the high dignitaries from the United Nations were cordially received by Myanmar's Head of Government. During the visit of H.E. Mr. Ali Alatas to Myanmar as the Special Envoy of the Secretary-General on United Nations Reform in August 2005, he was received by H.E. Senior General Than Shwe, Chairman of the State Peace and Development Council. Earlier in April 2005, H.E. Senior General Than Shwe had met and held discussions with the Secretary-General of the United Nations on the sidelines of the Asian-Africa Summit in Jakarta. The Chairman of the State Peace and Development Council extended a cordial invitation to the Secretary-General to visit Myanmar at a mutually convenient date. The Minister for Foreign Affairs, H.E. U Nyan Win, also met with Mr. Razali Ismail, the Special Envoy of the Secretary-General, in Vientiane in November 2004.

34. In its efforts to fight illicit narcotic drugs, Myanmar cooperated with the United Nations Office on Drugs and Crime (UNODC). Myanmar's Central Committee for Drug Control has been collaborating with UNODC in Myanmar's endeavours to eradicate opium poppy production. According to the Myanmar Opium Survey Report, released by UNODC in November 2005, there was an 80 per cent decline in opium poppy cultivation in Myanmar between 1996 and 2005.

V. Human rights initiatives

35. Myanmar recognizes that the process of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter and international law. The Charter places human rights in the context of international cooperation. Human rights issues must be addressed with objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. Myanmar firmly believes that there should not be double standards nor politicization of human rights issues.

36. A National Human Rights Committee was formed in April 2000 and since then the National Committee has been actively engaged in the promotion and protection of human rights. A series of workshops has been held for disseminating information on human rights standards for public officials. Later, the dissemination process was widened to benefit a larger range of citizens. Starting from the 2004/2005 academic year, human rights lessons have been introduced as part of the official curriculum in the middle and high schools. The lessons are based on Myanmar's Child Law, the Universal Declaration on Human Rights and the International Convention on Economic, Social and Cultural Rights, bringing the dissemination of human rights to yet another level.

VI. The issue of child soldiers

37. As a result of tremendous pressure from some politically motivated non-governmental organizations (NGOs), the Myanmar Government Army, Tatmadaw (Kyi), was unjustly listed in annex II, "Other parties in armed conflict that recruit or use children in armed forces", to the report submitted by the Secretary-General to the Security Council in 2003 (A/58/546-S/2003/1053), citing unverified information provided by Human Rights Watch (see para. 56). The preposterous allegations of 70,000 child soldiers in the Government Army is a result of interviewing 20 or so insurgents by a freelance reporter inside a neighbouring country. No United Nations agency in Myanmar has verified this exaggerated allegation. Yet this falsehood was cited in the report of the Secretary-General on Children and Armed Conflict and has subsequently found its way into the resolution on the situation of human rights in Myanmar. In fact, it is the practice of insurgent groups to recruit and use child soldiers, as testified by the Special Rapporteur on the situation of human rights in Myanmar in his report (E/CN.4/2003/41).

38. Myanmar is obviously not a nation in a situation of armed conflict. With the returning to the legal fold of 17 armed groups, it has become a nation enjoying unprecedented peace and stability since its regaining independence. However, the emotional and sensitive issue of child soldiers is being exploited by some Western Governments, NGOs and well financed anti-Government expatriate groups in a concerted disinformation campaign with an ill intention to create an environment for the international community to mount political pressure upon Myanmar.

39. The truth of the matter is that the Myanmar Armed Forces, including Tatmadaw (Kyi), is an all volunteer army and those joining the military service do so of their own free will. Under the Myanmar Defence Services and the War Office Council instruction 13/73 of 1974, a person cannot enlist in the armed forces until he has attained the age of 18. There is neither a draft system nor forced conscription by the Government of Myanmar. Forced conscription in any form is strictly prohibited. In order to ensure the voluntary nature of recruitment as well as minimum age requirements, the Office of the Adjutant-General, Ministry of Defence, had followed up with periodic instructions. Those who are found to contravene these instructions have had action taken against them under military law. Myanmar has instituted scrutiny and inspection procedures and demobilized those who do not conform to minimum age requirements or other qualifications.

40. To further strengthen effective implementation, a Committee for the Prevention of the Military Recruitment of Underage Children was established on 5 January 2004. The Committee has set up a task force comprising the representatives from relevant line Ministries such as the Ministry of Foreign Affairs, the Ministry of Home Affairs and the Ministry of Social Welfare, Relief and Resettlement.

41. To realize its objectives the Committee adopted a plan of action on 5 October 2004. It includes recruitment procedures, procedures for discharge from military service, reintegration into society, public awareness measures, punitive action to be taken against transgressors, reporting measures, submission of recommendations and consultation and cooperation with international organizations, including the United Nations Children's Fund (UNICEF), ICRC and the United Nations resident coordinator.

42. As part of the implementation process of the plan of action, the following concrete measures have already been taken step by step according to the plan:

- The Child Law of 1993, adopted in line with the Convention on the Rights of the Child, has been translated into six different languages of major national races. Copies of those translated versions of the law have been widely distributed in the areas of respective national races in line with the plan of action.
- Inspections are being made at the recruitment stage, training stage and military service entry stage to ensure that recruitments are in compliance with the orders, regulations and directives issued in that regard.
- A new directorate was established on 23 July 2004 under the Office of the Adjutant-General to oversee strict adherence to the orders, regulations and directives in the selection process of new recruits, in particular to ensure compliance with the minimum age requirement of 18 years.
- The demobilization process, which has been in place for years, is now more pronounced with the launching of the action plan. New recruits, if found to be under 18 years at the training centres or in the military service, are being demobilized. During the past three years, a total of 912 new recruits were demobilized including 210 recruits for not meeting the minimum age requirement.

43. In many contexts around the world where it is difficult to determine the exact age of a young person, due to lack of identity documentation, minors are recruited into the armed forces. As part of measures to address the issue, the Government is implementing a programme with the assistance of UNICEF in Myanmar to enhance the Birth Registration/Vital Registration System.

VII. Trafficking in persons

44. Trafficking in persons is a grave transnational issue that has negative consequences for peace and security and for development. Only a coordinated and collective response will ensure the elimination of the threat. Myanmar has made considerable progress in its fight against human trafficking both in the national and regional context. Nationwide preventive and supportive activities, such as awareness-raising among the community and its leaders, capacity-building of its volunteers, including educational talks on trafficking and violence against women and supportive services are conducted extensively by national NGOs.

45. In the regional context, Myanmar actively participated in the Bali process. In a strengthened regional multisectoral response in the greater Mekong subregion, through the Coordinated Mekong Ministerial Initiative, an agreement was signed in Yangon in October 2004. Following the agreement reached in Yangon, a plan of action to fight human trafficking was adopted in Hanoi in 2005.

46. In March 2004, Myanmar acceded to the United Nations Convention against Transnational Organized Crime and two of its supplementary protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Anti-Human Trafficking Law, which conforms to the United Nations Convention against Transnational Organized Crime, was enacted in September

2005, bringing Myanmar's commitment to fight human trafficking to yet another level. According to this law, the maximum penalty for serious offenders will be a life sentence.

VIII. The issue of forced labour

47. Myanmar has been cooperating with the International Labour Organization (ILO) in resolving the issue of forced labour. In the past, some provisions of the Village Act and Towns Act of 1907, which it inherited from the British colonial administration, were alleged to be in conflict with Convention 29 of ILO (Forced Labour Convention of 1930). Although those Acts were in force since 1907, the allegations of forced labour were never levelled critically against Myanmar at ILO until a few years after the present Government took the State power. The Government of Myanmar, with a view to addressing the issue, took the necessary legislative, executive and administrative measures and issued two legislative orders: Order 1/99 and Order Supplementing Order 1/99, thereby bringing domestic legislation in line with Convention 29.

48. As part of its cooperative measures with ILO, the Government had invited an ILO technical cooperation mission to Myanmar four times during 2001 and 2002. A high-level team of ILO (HLT) led by a former Governor-General of Australia, Sir Ninian Stephens, also paid a successful two-week visit to Myanmar in September and October 2001. An agreement between the Government and ILO in March 2002 led to the appointment of an ILO liaison officer in Myanmar.

49. Myanmar also agreed to receive the visit of a very high-level team from ILO (vHLT) in February 2005. On behalf of the State Peace and Development Council, the Prime Minister of the Government of the Union of Myanmar received the vHLT on 22 February 2005 and, in his letter of 10 March 2005 to the vHLT, reiterated Myanmar's commitment to the elimination of the vestiges of forced labour in close cooperation with ILO. Just a week after the visit of the vHLT to Myanmar, a focal point in the armed forces for dealing with Convention 29, headed by a Deputy Adjutant-General and assisted by seven General Staff Officers (Grade-1), was established on 1 March 2005. The Government of Myanmar has fully cooperated with the iLO liaison officer ad interim in dealing with the complaints relating to requisition of forced labour. Actions have been taken against all 50 cases in 2004 and a further 8 cases in 2005 reported by the ILO liaison officer ad interim.

50. There have been allegations by some anti-Government elements that the Government takes action on those who contact and provide information on forced labour to the ILO liaison officer ad interim. This is utterly untrue for the court has clearly ruled that under no circumstances do contacts and cooperation by a citizen with ILO or other United Nations organizations constitute a criminal offence.

51. Myanmar is firmly committed to the eradication of forced labour in the country and spares no effort in taking necessary measures in this regard.

IX. Religious tolerance

52. Madame Sadako Ogata, a leading United Nations personality, after her visit to the country, cited Myanmar as a "model society" for religious tolerance. Yet some continued to allege religious intolerance in the country. Although Buddhism is the religion of the majority of the people, other religions such as Christianity, Islam and

Hinduism coexist and flourish in Myanmar. The Government provides all necessary assistance to encourage and maintain inter-religious harmony and freedom of worship. Any allegations of religious intolerance in Myanmar are groundless and politically motivated.

X. Economic development

53. When the Government took over State duties in 1988, it inherited a centrally planned economic system that resulted in an alarming economic decline. The Government made a 180 degree shift in its economic policy, replaced the centrally planned economic system with a market-oriented economic one and made a series of economic reform measures including inviting foreign investments and encouragement of private-sector development. It made a firm resolve to meet the aspirations of the people and to build a modern nation with all-round development in a systematic manner. During the period from 1989-1990 to 1991-1992, the Government focused upon restoring stability in the country while implementing plans to halt the economic slide. In the following years, the economy grew by 7.5 per cent during the period from 1992-1993 to 1995-1996 and 8.5 per cent during the period from 1996-1997 to 2000-2001. Presently the third short-term five-year plan (2001-2002 to 2005-2006) is being implemented and the economy grew 1.6 times by the end of the fourth year of the current five-year plan.

54. Economic infrastructure development is an essential prerequisite in raising the economic and social life of the people. During its brief tenure, the present Government has made massive infrastructure developments resulting in the construction of 176 dams, 202 major bridges and 60,000 kilometres of motorways. In the education sector, 124 new universities have been opened nationwide, the adult literacy rate is nearly 94 per cent and primary school enrolment has reached 98 per cent. The number of primary, middle and high schools increased from 33,923 in 1990 to 40,525 in 2004. The Government spares no effort to improve the quality of education. Reforms in the official curriculum and assessment methodology have been undertaken and the use of ICT is strongly encouraged. In the health sector, 188 new hospitals have been opened for the people. A total of 68 billion kyats has been used for development of the remote border areas where national races mostly reside. In Myanmar, a safe drinking water supply programme for water-scarce rural areas has been carried out for years and will continue during the third short-term plan period 2001-2005. According to multiple indicator cluster surveys, access to safe drinking water has increased from 32 per cent in 1990 to 72 per cent in 2000. Access to improved sanitation has also increased during the past decade from 36 per cent in 1990 to 83 per cent in 2000. Because of these economic and social developments, Myanmar since a few years back has been classified as a country "enjoying medium human development" by the *Human Development Report* issued annually by the United Nations Development Programme.

55. It is the paramount task of the Government to achieve economic growth and social progress in promoting the economic and social lives of the people. To that end, Myanmar has been implementing the National Development Plan with the aim of accelerating growth, achieving equitable and balanced development and reducing the socio-economic development gap between rural and urban areas of the country. The major aspects of the Millennium Development Goals are also incorporated in the National Development Plan.

56. With a view to achieving balanced development and to narrowing down the socio-economic development gap between rural and urban areas, the Government has been implementing the three National Development Programmes, namely (a) Border Areas Development Programme; (b) Plan for 24 Special Development Zones; and (c) Integrated Rural Development Plan. This has resulted in significant progress in various sectors, such as health, education, infrastructure and agriculture. Myanmar has scored discernible achievements in carrying out its National Development Programmes reflecting the Millennium Development Goals.

57. Myanmar is thus making satisfactory progress towards reaching Millennium Development Goals by 2015. In its drive to alleviate poverty, the Government has achieved significant results through designation of 24 special development zones among the states and divisions of the country to achieve equitable and balanced development throughout the country. The implementation of development plans in these zones includes the promotion of tertiary education facilities to bring education to the children residing in remote border areas. Today there are 790 schools in the border areas mostly inhabited by national races where there were only 28 schools 15 years ago. For balanced and proportionate development, universities and colleges were also set up in the states and divisions for capacity-building of the local populations for their long-term development. In the area of education for all, net enrolment in primary education was 84.5 per cent in 2005 with 74.5 per cent being able to complete its full course. Net enrolment is expected to reach 99 per cent by 2015. In the health sector, Myanmar is now free from diseases such as smallpox, leprosy and polio. The Government has designated HIV/AIDS, malaria and tuberculosis as diseases of national concern and is taking effective measures to address these serious challenges. It is also actively participating in the international community's efforts to combat the scourge, through its membership in the Joint United Nations Programme on HIV/AIDS Programme Coordinating Board.

58. Despite the attempts by some Western powers to deny the right to development of the people in Myanmar by blocking assistance, the Government of Myanmar is making all out efforts to achieve equitable development throughout the country with its own available resources to fulfil the economic and social rights of its own people.

XI. Conclusion

59. Myanmar is enjoying peace and stability and achieving discernible progress in economic development. It also enjoys good and friendly relations with all its neighbours. Moreover, as a member of the Association of Southeast Asian Nations, Myanmar is actively involved in the Association's activities for promoting regional peace, stability and prosperity and enhancing cooperation in the Asia Pacific region.

60. Myanmar takes an active part in subregional cooperation initiatives such as the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy, the Bay of Bengal Initiative for Multi-sectoral Technical Cooperation and the Asia Cooperation Dialogue. These are noteworthy frameworks for closer economic and social cooperation among neighbouring countries.

61. On the political front, the Government is in the process of implementing its seven-step political road map to ensure a smooth transition to a disciplined and modern democratic nation. The first crucial step of the process was the successful reconvening of the National Convention. It was attended by 1,088 delegates from

eight strata representing all walks of life. Sixty per cent of the delegates come from the national races. Representatives of 17 armed groups who have returned to the legal fold are also participating in the National Convention. The delegates are laying down the basic principles for a new democratic State constitution by which to build a common future after decades of disunity and stagnation.

62. A constitution will then be drafted in accordance with the principles agreed upon and will be put to a national referendum. The constitution thus adopted will pave the way for elections to the national and regional parliaments, thereby ensuring a smooth transition to democracy. Myanmar is now poised at the threshold of a new era. The Government is firm in its resolve to pursue the charted seven-step road map to democracy. Myanmar deserves the understanding and goodwill of the international community at this critical time in its transition to democracy.

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 2 November 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Enclosed please find Israel's response to the report submitted by John Duggard, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1993/2A (A/60/271), which Israel views with concern (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Third Committee, under agenda item 71 (c).

(*Signed*) Ambassador Dan **Gillerman**
Permanent Representative

05-58826 (E) 091105

Annex to the letter dated 2 November 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Response of Israel to the report submitted by John Dugard, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1993/2A

General

Israel has emphasized for over a decade the problematic nature of the mandate of the Special Rapporteur, a mandate that only examines one side of the conflict, as admitted also by the Rapporteur. It is a mandate that prejudges key issues and a mandate that is unique and extreme in comparison with the wide range of regional and thematic rapporteurs working on the range of issues of international concern, a mandate that is in direct contrast to the current wave of reforms at the United Nations.

Israel is compelled once again to respond to the latest report of the Special Rapporteur. Regrettably this report, like its predecessors, is characterized by errors of omission as well as distortions of both fact and law, while advancing a one-sided political agenda.

This approach is all the more disappointing and unfortunate at the current time when, following the implementation of Israel's disengagement initiative, there is a unique opportunity for regenerating dialogue and cooperation between Israelis and Palestinians and reaching a negotiated solution to the issues in conflict. The report does not contribute to the prospect of such dialogue, but regrettably sets itself in opposition to the framework agreed by the parties and the international community for resolving the conflict.

The report fails to accurately represent a number of factual and legal realities, despite having been shown to be unfounded in Israel's previous responses. Israel will not reiterate these corrections (some for the third or fourth time), but instead refers to its responses to the previous reports of the Special Rapporteur.

Finally, in these introductory comments, a word must be said about the terminology used in the report, which, like previous reports of the Special Rapporteur, adopts prejudicial and partisan language. The report admits, for example, that the terms 'barrier' and 'fence' are "more neutral terms" but persists in using the term "Wall." Similarly, it insists on describing the

"green line" as the "internationally accepted border between Israel and the West Bank," even though this line has never been accepted as an international boundary, and Security Council resolutions 242 and 338, as well as the Quartet-sponsored Road Map, require that secure and recognized boundaries be determined through negotiations. Even more troubling is that, while the report admits that attacks against Israelis continued during the reporting period (the report itself refers to suicide bombings in Tel Aviv and Netanya and over 200 Palestinian attacks), it refuses to categorize these as acts of terrorism. ***The only time the words "terror" or "terrorize" appear in the report is - twice – in relation to the alleged intimidation of Palestinians by Israelis***. The logic by which the terminology of terrorism is deemed appropriate for allegations of intimidation by Israelis, but not suicide bombings by Palestinians, is quite simply unfathomable.

Israel's Disengagement Initiative

The current report was prepared prior to the implementation of Israel's disengagement from the Gaza Strip and from four settlements in the West Bank. In hindsight, it is apparent that the alarming predictions of the report were misplaced. Among the unfounded prophesies of doom were the following:

- Contrary to the report's insistence that "settlers have confronted the IDF in a violent manner... and it seems that this withdrawal is destined to be accompanied by further violence," the disengagement was implemented with restraint and without casualties.

- The report's prediction of "major disruptions to road traffic and freedom of movement [with] serious implications for the provisions of foodstuffs, access to hospitals, schools and places of employment" as well as a "humanitarian disaster" did not come to pass, as a result of the care and attention given to these issues by the Israeli authorities in cooperation with the representatives of the international organizations present at place.

- Alarming allegations that "insufficient account has been taken of unexploded ordnance and landmines, and the presence of asbestos material in the settlement houses scheduled for destruction," also proved unfounded. Ordnance and explosives were handled responsibly, and Israel carefully removed all hazardous materials from houses prior to their demolition.

Regarding the status of the Gaza Strip following the disengagement, the report reiterates the assertion made in previous reports that "it seems clear that Gaza will remain occupied territory." The factual basis for this confident assertion is unclear, particularly since the report professes that "there is no clarity in respect of Israel's plans or intentions for the future of Gaza." To prop up its conclusion, the report relies primarily on an assortment of rumours and conjectures, with little or no factual support ("It seems…" "There is also a suggestion…" "It is highly possible…" etc., etc.).

Beyond the dubious methodology of relying on vague and unattributed allegations, the specific charges themselves in fact do little to support the report's thesis. Many of the charges (such as a rumoured plan to construct a "concrete barrier in the sea between Israel and Gaza") have no connection to the question of whether the Gaza Strip can be considered occupied, while others are clear misrepresentations. For example, the assertion that Israel has announced it "will not hesitate to intervene militarily in Gaza after the withdrawal of settlers if Israel's security so requires" is a misreading of Israel's statement that it reserves the right to act in self-defense. Israel's statement expressly limits its right to engage in military activity in the area to the fundamental right of self-defense available to any state in relation to attacks emanating from neighboring territory. Indeed, this stipulation in the disengagement plan, together with the dismantling of the Military Government, serves as clear evidence that Israel has relinquished any power or authority for its forces to enter or operate in Gaza territory "at will."

As legal support for his assertion that Gaza remains occupied territory, the Rapporteur relies once again on the Nuremberg Tribunal *Hostages Case* as authority that, even in the absence of actual control, the potential to exercise control is sufficient to establish a state of occupation. Israel has addressed the misleading presentation of this case and the refusal to recognize any distinction between rogue partisan groups and an established and recognized Palestinian administration, in its responses to the Rapporteur's previous reports.

In the context of the current report, Israel will simply note the misleading manner in which the case is quoted. The report cites it as stating the following: "it was not necessary for the occupying Power to occupy the whole territory so long as it 'could at any time (it) desired assume physical control of any part of the country'".

In fact the relevant section of the case reads as follows:

> It is clear that the German Armed Forces were able to maintain control of Greece and Yugoslavia **until they evacuated them** in the fall of 1944. While it is true that the partisans were able to control sections of these countries at various times, it is established that the Germans could at any time they desired assume physical control of any part of the country. The control of the resistance forces **was temporary only** and not such as would deprive the German Armed Forces of its status of an occupant.
>
> Seen in context, it is evident that the Rapporteur's quotation from the case omits two elements particularly relevant to Israel's disengagement from Gaza: the fact that the ***occupying forces had not evacuated the territories***, and the fact that the ***control of the local forces was only temporary***. On the contrary, Israel evacuated the Gaza Strip of all forces and civilians, and the assumption of Palestinian control in the Gaza strip is not temporary; indeed Israel has specifically stated that it has no further territorial claims in these areas.

The Security Fence

The same lack of stringency apparent in the report's treatment of the Disengagement initiative is evident in its treatment of the security fence. Faced with the significant changes to the route of the fence, in accordance with the decisions of Israel's High Court of Justice, the Rapporteur concedes that the route has been "marginally modified." This can only be considered an extreme case of understatement, as is evidenced by his own statistics: In the addendum to his report of 8 September 2003 (E/CN.4/2004/6) the Rapporteur cited figures suggesting that 280,000 Palestinians would be included within the route of the fence. In the current report he gives the figure of 49,000 Palestinians. In other words, ***according to his own calculation, there has been a reduction of over 80 per cent in the number of Palestinians included within the route of the fence.***

The Special Rapporteur relies on alleged facts and realities while lacking a mechanism of verification. Israel's Supreme Court specifically referred to this oversight in its recent decision, Mara'abe v. the Prime Minister of Israel. The Supreme Court found that the difference between the ICJ ruling and that of Israel's Supreme Court was the factual basis laid before them. The Supreme Court brings one clear example:

> The ICJ quotes the Dugard report, according to which [Qalqilya] is sealed off on all sides. Residents are allowed to exit and enter though one military gate which is open from 7am to 7pm. This conclusion contradicts the Secretary-General's written statement, according to which there is not checkpoint at the entrance to the city. (HCJ Mara'abe case, para. 67)

The Supreme Court also notes the total absence in both the report of the Special Rapporteur and the decision of the ICJ of any data concerning Israel's security and military considerations. For example, in relation to Qalqilya, the Supreme Court notes:

> It was not mentioned that Qalqilya lies two kilometers from the Israeli city of Kfar Saba; that Qalqilya served as a passage point to Israel for suicide bomber terrorists, primarily in the years 2002-2003, for the purpose of committing terrorist attacks inside Israel; that the majority of the fence route on the western side of the city runs on the Green Line, and part of it even within Israel; and that since the fence around Qalqilya was built terrorist infiltration in that area have ceased. (*ibid.*, para. 68)

The Rapporteur vs. the peace process

The international community has made it clear that the best, if not only, hope of arriving at a resolution of the conflict is through the process set out in the Road Map. This plan, proposed by the Quartet consisting of the United States, the Russian Federation, the European Union and the United Nations, has been accepted by the Israeli and Palestinian leadership, and adopted by the Security Council. However, the Rapporteur repeatedly dismisses the delicate process painstakingly crafted in this document.

This is particularly evident in the Rapporteur's attitude to the issue of settlements. This issue has been agreed by the parties to be one of the subjects that must be addressed in permanent status negotiations. According to the Road Map, these talks can only take place after a number of preliminary steps have occurred – including concerted Palestinian action to dismantle the terrorist infrastructure and prevent indoctrination and incitement.

For the Rapporteur, however, such Palestinian actions are irrelevant. "There can ... be no justification for the retention of settlements", he asserts, irrespective of any violence or failure to act on the Palestinian side.

Similarly, the issue of Jerusalem is agreed by the two sides to be resolved through negotiations. Israel has already proven its willingness to make far-reaching proposals on this subject. But for the report, it seems Jerusalem is not an issue to be negotiated, but rather one for Israel to concede unilaterally before negotiations can take place.

The report applies a similarly problematic standard to the subject of final status negotiations. In the careful phased approach set out in the Road Map, these negotiations are supposed to commence during the third phase, following completion of initial commitments, including the dismantling of the terrorist infrastructure. Ignoring this framework, the report calls the international community to ensure that "such negotiations commence forthwith."

The report does more than dismiss the internationally accepted Road Map. It argues that the Road Map process counters international law, suggesting, "the Quartet and the road map process to which it is committed are not premised on the rule of law or respect for human rights." In so doing, the report distances itself from the efforts of the parties and the international community in its search for a realistic solution to the conflict.

Moreover, the Special Rapporteur undermines in his statements the accepted notion of the two-state solution, which lies at the heart of the Road Map and every international effort to resolve the conflict. As the Rapporteur has stated, "the two-state solution ... becoming increasingly difficult, if not impossible, [and] consideration should be given to the establishment of a binational Palestinian State [sic]." It is understood that a "binational Palestinian State" would lead to the dissolution of the State of Israel. That the Special Rapporteur would favour the Palestinian right to self-determination, as in previous reports, and in this instance dismiss the Jewish right to self-determination, contradicts the internationally accepted approach to solving the conflict.

Conclusion

Israel has long argued that the reports of the Special Rapporteur are a disservice to his role. Beyond the problematic nature of his one-sided mandate, the report reflects gross oversight of the facts, according to which rumours, however fanciful or unsubstantiated, may gain credence should they agree with the predispositions of the report.

But the current report, perhaps more than any other prior report, reveals the degree to which its premise and conclusions contradict the basic principles agreed by both sides and the international community, as the only basis for moving toward peace and reconciliation. Those committed to working for

peace accept that the Road Map is the only viable way forward; for the Rapporteur this mechanism instead represents a violation of international law. Those working for peace accept that the only lasting solution is two states; for the Rapporteur, on the contrary, this seems no longer possible or desirable. Those working for peace accept that progress must be built on the fulfillment of obligations by both sides; the report reflects Palestinian rights and Israeli obligations. There is little hope that such a perspective could improve the humanitarian situation in the region or bring the two sides closer to a resolution of the conflict.

The time has come to have a balanced mandate that treats both sides in a fair manner.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 7 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to attach information regarding the measures being taken by the Government of Uzbekistan on further liberalization of the court-judicial system in Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixtieth session of the General Assembly, under agenda item 71 (b).

(*Signed*) Alisher **Vohidov**
Permanent Representative

05-59379 (E) 101105 101105

Annex to the letter dated 7 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information regarding the measures being taken by the Government of Uzbekistan on liberalization of the court-judicial system

Uzbekistan is taking systematic measures to liberalize the court-judicial system which is now based on an entirely new approach.

In particular, in the field of penal procedure, the following measures have been introduced in order to ensure the complete independence of the courts:

- The courts are now divided into specialized categories, criminal, civil and economic;
- Cases can now be reviewed on appeal and by way of cassation;
- The time limits for investigation and for the detention of persons in custody have been reduced by law and strict time limits have been established for the consideration of cases by the courts;
- A Department for the Enforcement of Court Decisions is in operation, relieving the courts of functions that do not properly belong to them;
- The principle of the equality of the prosecutor and the lawyer is guaranteed in court procedure;
- In accordance with a decree of the President of the Republic of Uzbekistan, legal procedures are being developed whereby arrest warrants issued by the prosecutor are referred to the courts (habeas corpus); these procedures will come into force on 1 January 2008.

Substantive reforms have also been introduced in the field of penal and penitentiary legislation.

In particular, the classification of crimes has been entirely changed, substantially enlarging the category of less serious offences that do not constitute a danger to society. As a result of this approach, in the past two and half years alone some 5,000 people who had committed offences not constituting a major threat to society were not deprived of their liberty.

The number of articles of the code under which early release is available has been increased. In Uzbekistan there are 158 prisoners per 100,000 members of the population, significantly less than in the majority of countries. Reconciliation as a means of administering justice has also been incorporated in legislation, thereby making it possible to release over 26,000 people from criminal liability.

At the same time, it must be pointed out that, in the course of a little over 10 years, the number of crimes liable to the death sentence has been reduced from 33 to 2. The death penalty is now available only in the case of two crimes, namely premeditated murder with aggravating circumstances and terrorism. Capital

punishment is prohibited in the case of minors, women and men aged more than 60 years.

At the present time, in accordance with a presidential decree, the administrative and legal procedures are being prepared for the total abolition of the death penalty as a penal sanction with effect from 1 January 2008.

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 8 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to transmit information on freedom of belief and religion in the Republic of Uzbekistan.

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 71 (b) entitled "Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

05-60196 (E) 151105 151105

Annex to the letter dated 8 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information on measures by the Government of the Republic of Uzbekistan to guarantee religious rights and freedoms

Representatives of the world's religions and beliefs have coexisted peacefully throughout history in Uzbekistan. The Uzbek people's developed sense of tolerance is an integral part of the culture in the country as it is today.

Freedom of religion and belief has great significance for Uzbekistan, which is home to representatives of 16 religions and whose Constitution and laws guarantee all citizens freedom of religious conscience.

Article 18 of the Constitution of Uzbekistan has reaffirmed that citizens have equal rights, irrespective of gender, race, ethnicity, language, religion, social origin, conscience, personal situation or societal status.

Uzbekistan currently has 2,202 registered religious organizations.

State registration of religious organizations is carried out in accordance with the Decision of the Cabinet of Ministers of Uzbekistan entitled "Procedure for the official registration of religious organizations in the Republic of Uzbekistan", of 20 June 1998.

A Council on issues of faith, attached to the Committee for Religious Affairs of the Cabinet of Ministers of the Republic of Uzbekistan, has been established to forge close cooperation with religious organizations, to provide assistance in the activities of various religious beliefs, to develop joint proposals and measures for interreligious and inter-ethnic peace and harmony in society and to develop a culture of interfaith dialogue. Membership of the Council includes the leaders of the Muslim Board of Uzbekistan, the Tashkent and Central Asian eparchy of the Russian Orthodox Church, the Roman Catholic Church, the Union of Christian Evangelical Baptist Churches, the Full Gospel Church Centre, the Evangelical Lutheran Church and the Tashkent Jewish community.

The faithful in Uzbekistan freely observe all religious holidays. With every passing year, Muslims mark Kurban Khait and Ramadan Khait, Christians mark Easter and Christmas and Jews mark Passover, Purim and Hanukkah on a larger and larger scale.

Furthermore, the authorities of the Republic of Uzbekistan provide all kinds of assistance to pilgrims travelling to holy sites: Muslims going to Saudi Arabia to perform umra and hajj, Christians going to Russia, Greece and Israel, and Jews going to Israel. Since independence alone, over 45,000 have been given assistance to make hajj pilgrimages to Saudi Arabia, and over 150 have been given assistance to make pilgrimages to Christian and Jewish holy sites in Russia, Greece and Israel.

Since independence, the following have been translated into Uzbek and published: the Koran, the Inzhil (two books of the Old Testament — Genesis and

Psalms — and 27 books of the New Testament) and parts of the Old Testament (Song of Solomon, Ecclesiastes, 1-4 Kings, Daniel, Ruth, John and Esther).

Hundreds of mosques, churches and houses of worship have been built or restored. They include Orthodox churches in Tashkent, Samarkand and Navoi, a Catholic church in Tashkent, and an Armenian church in Samarkand. Pursuant to a Decision of the Cabinet of Ministers of Uzbekistan of 22 August 2003, 15 locations — religious complexes, places of pilgrimage and burial sites — have been placed under the authority of the Muslim Board of Uzbekistan.

At the end of 2004, the Muslim Board of Uzbekistan and the Society for the Blind together introduced a Braille version of the Holy Koran, making Uzbekistan the third country in the world to undertake such a good deed. Uzbekistan has approximately 24,000 inhabitants deprived of the faculty of sight. From now on, special boarding schools, public libraries and anyone making a request will receive Braille versions of the Koran.

Uzbekistan's system of religious education includes the Tashkent Islamic Institute, 10 madrassas and Orthodox and Protestant seminaries.

At the initiative of the President of Uzbekistan, the Tashkent Islamic University was established in September 1999. The University produced its first bachelor's degree graduates in 2003 and its first master's degree graduates in 2005. Attached to the University are a vocational secondary college and a secondary school.

A Christian-Muslim conference entitled **"Living together under one heaven"** was held in Tashkent in 1995. It was attended by representatives of the World Council of Churches and a number of foreign churches.

In 1996, two significant events took place:

- November brought the 125th anniversary of the Tashkent and Central Asian eparchy of the Russian Orthodox Church. Alexei II, the first Patriarch of Moscow and All Russia ever to visit in the history of the Orthodox Church in Central Asia, attended the commemoration of that occasion;
- December saw the Evangelical Lutheran community of Uzbekistan celebrate its centenary as the only Lutheran Church in Central Asia.

In 2001, the Tashkent and Central Asian eparchy of the Russian Orthodox Church celebrated its 130th anniversary.

In 2002, the Roman Catholic Church celebrated the centenary of the revival of Catholicism in Central Asia.

In October 2003, events were held in Samarkand to celebrate the centenary of the Armenian Apostolic Church.

The Republic of Uzbekistan does its utmost to provide its citizens with a guaranteed right to freedom of belief and religion.

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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 10 November 2005 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

I have the honour to forward herewith information on key measures undertaken in the human rights area in Turkmenistan in the past year (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 71 (c).

(*Signed*) Aksoltan **Ataeva**

05-60214 (E) 151105

Annex to the letter dated 10 November 2005 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Secretary-General

Key measures undertaken in the human rights area in Turkmenistan in the past year

Since the first days of its independence, Turkmenistan has declared that the individual is of the highest value to society and has chosen its own way of development based on universal values, principles of humanism, peace and justice that found its logical continuation in the neutral status of the country. In particular, the neutral status in many respects promotes the successful fulfilment of major strategic, economic, social, humanitarian and other issues that determine steady development of Turkmenistan.

On 24 and 25 October 2005, the *Halk Maslakhaty* (People's Council), the highest representative body of the country, held its sixteenth session. The important issues of further democratization of Turkmen society and improvement in the socio-economic well-being of the population were considered at the session.

Turkmenistan pays serious attention to the development of processes of democratic elections and institutions of parliamentarism, whose basic principles are to ensure development on the basis of expansion of democratic foundation in self-governance of the society. At the sixteenth session of the People's Council, a decision was approved to hold elections of local administrations during 2006-2007, and parliamentary elections in 2008.

The following documents adopted at the sixteenth session of the People's Council of Turkmenistan — constitutional laws on amendments and additions to the Constitution of Turkmenistan, the Constitutional law of Turkmenistan on the "People's Council of Turkmenistan", the laws of Turkmenistan on *Gengeshi* (local council), on the "Election of members of *Gengeshi*", on the "Election of members of Parliament of Turkmenistan" and on the "Protection of health of citizens" and also a new edition of the "Tax Code of Turkmenistan", the law of Turkmenistan on the "Parliament of Turkmenistan", on "District and city People's Councils", on "Elections of district and city People's Councils", on "Provincial People's Councils" and on "Election of members of provincial People's Councils" — have determined the State policy on these important directions.

Civil society institutions have an important role in the political system of the Turkmen statehood. Eighty-seven public associations, professional and creative unions are registered in Turkmenistan and take active part in elaborating economic, social and cultural policy of the State. The largest public associations of Turkmenistan such as the Democratic Party, the Council of Elders, the Women's Union, the Youth Union, the Council of Veterans, trade unions of the country and other public organizations are represented in all elected bodies of the country in accordance with the national law.

Human rights issues are one of the main priorities of the internal and foreign policies of our country.

On 2 February 2005, a committee on the protection of human rights and freedoms was created at the third session of Parliament with a view to the effective

fulfilment of obligations arising from the international norms as well as the development of national legislation in the field of human rights.

In 2005 alone, Turkmenistan acceded to seven important United Nations instruments aimed at defending human rights and freedoms. In February 2005, the law on guarantees of the right of youth to work was adopted, according to which the use of child labour is prohibited.

Freedom of belief and religion is one the main aspects of the human dimension. Its practical realization is reflected in the laws, adopted in 2004, which ensure registration of religious organizations and groups, irrespective of their number and religion, and also abolish criminal liability for activity of unregistered religious organizations. In 2004, along with religious organizations of Muslims and Christian Orthodox, religious groups such as the Church of Adventists of the Seventh Say, Bahai, Evangelical Christian Baptists and the group Consciousness of Krishna were registered. In April 2005, the following additional religious organizations and groups were registered: Church of the Christ, Church of Evangelical Christians "Great Grace", Church of the Christians of Evangelical Belief "Light of the East", Church of the Christians of Full Gospel and the New Apostolic Church.

According to the Decree of the President of Turkmenistan of 16 April 2005, proceeding from the humane traditions of the Turkmen people and guided by the principles of justice, mercy and humanism, the following persons who refused military service for religious reasons were pardoned: Wepa Tuvakov, Atamurat Suvhanov, Mansur Masharipov and Begench Shikhmuradov.

On 20 October 2005, the Ministry of Justice of Turkmenistan organized a meeting with the representatives of registered and unregistered religious groups and organizations. During the meeting it was stated that the State does not interfere with religious matters and that the legislation of Turkmenistan in the field of religious freedoms is being improved. Issues pertaining to the registration of branches of religious organizations were clarified and resolved. It was also suggested that an information resource centre for the exchange of information on religious matters through the Internet or the press be created.

The mass media of Turkmenistan plays an important role in public life. National radio and television, printed and electronic media are active in the country. Moreover, about 20 foreign news agencies are officially accredited and function in Turkmenistan. Among them are the Associated Press and NCA (United States of America), Xinhua (China), Reuters and the BBC (Britain), Agence France Press (France), the news agency ITAR-TASS (Russia), *Ogonek* magazine (Russia); the TV-radio company TRT (Turkey), the newspaper *Zaman* (Turkey), the magazine *Eko Vitrin* and the Anatolian Agency (Turkey); the agency IRNA (Iran); and the Pakistan press network (Pakistan).

There is a special channel on national television, "TV 4", which broadcasts programmes in seven languages (Turkmen, Russian, Chinese, English, Arabic, French and Persian).

Along with the Turkmen language press, the following foreign language press is printed: the daily newspaper in Russian "Neutral Turkmenistan", a weekly journal "The Advertising Bulletin" and also the newspapers *Diyar*, *Zaman* and *Business-Advertisement* publish their materials simultaneously in several languages

(Turkmen, Russian, Turkish and English). Public and political organizations such as the Democratic Party of Turkmenistan and Women's Union of Turkmenistan have their own printed publications — *Galkynysh* and *Gurbansoltan edje*, respectively. The Union of Journalists of Turkmenistan issues the Internet-edition *Turkmenistan-Altyn Asyr* (www.turkmenistan.gov.tm). The Institute of Democracy and Human Rights, under the President of Turkmenistan, publishes a magazine *Democracy and Law* in three languages: Turkmen, English and Russian. A number of other public organizations also have their own publications. At present, the mass media of Turkmenistan is at a stage of comprehensive development and constant expansion of its sphere of coverage.

The representatives of various nationalities are represented at all levels in the State bodies and public organizations of Turkmenistan.

According to the Constitution, equal opportunities are accorded to all citizens for obtaining education, and discrimination based on ethnic, racial or national origin is not tolerated.

There are more than one million pupils in our country's schools, encompassing all nationalities and ethnicities living in the country. Specialists on almost 200 professions are being trained in the system of secondary professional and higher education. Thousands of young people from Turkmenistan study in various foreign educational institutions. The joint educational programmes and projects with various foreign States, including the United States, Great Britain, France, Germany, Turkey, Ukraine and others, are being carried out.

According to the State education programme, pupils and students in all educational institutions study three languages simultaneously: Turkmen, English and Russian. In 126 secondary schools studies are also conducted in Russian. Schools and lyceums that conduct studies in Russian, English, German, Turkish and other languages are effectively functioning in Turkmenistan.

Comprehensive support is provided by the State to all educational institutions in implementation of their activities, including through the provision of educational and methodical literature as well as the training of staff.

Ensuring of the rights of refugees is one of the important directions in the human dimension. Turkmenistan, strictly following its international obligations, actively cooperates with the Office of the United Nations High Commissioner for Refugees. Over the years of our country's independence, refugees from Tajikistan, Afghanistan and other countries have been received and the necessary conditions for normal life and activity of this category of persons have been created. The refugees have been provided with accommodations, land and jobs. They are also able to utilize healthcare, education, etc., on an equal basis with the citizens of Turkmenistan.

On 4 August 2005, the President of Turkmenistan, Saparmurat Niyazov, signed decrees and orders on granting citizenship of Turkmenistan and residence permits in the country to more than 16 thousand migrants and refugees who reside on the territory of Turkmenistan.

Annually, on the basis of the President's decrees, large-scale acts of amnesty are carried out in the honour of the sacred *Gadyr Gijesi* (Night of Omnipotence). In

2005, 8,145 citizens of Turkmenistan, including 229 foreign citizens, were granted amnesty.

On 15 March 2004, at the invitation of the Turkmen side, a group of experts of the Office of the United Nations High Commissioner for Human Rights visited Ashgabat and studied the situation and the opportunities for further development of cooperation between Turkmenistan and the Office of the High Commissioner for Human Rights. During the visit, specific ways of cooperation with Turkmenistan were identified. At present we have received the draft of the biennial plan of cooperation, which is scheduled for implementation at the beginning of December 2005.

The United Nations Development Assistance Framework (UNDAF) programme for 2005-2009 between the Government of Turkmenistan and United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund (UNICEF) has been successfully realized. The plan of action determines basic cooperation between Turkmenistan and the United Nations agencies on areas set out by the Millennium Development Goals and national priorities, as reflected in the national programme entitled "The strategy of economic, political and cultural development of Turkmenistan for the period until 2020". Accession by Turkmenistan to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is a testimony to the fact that Turkmenistan builds its relations with UNICEF on a long-term basis. There is a solid legislative foundation in Turkmenistan, central to which are the laws signed by the President of Turkmenistan and adopted by the Parliament on guarantees of the rights of the child and on the regulation of the rights on children's work.

On 29 and 30 May 2005, the High Commissioner on National Minorities of the Organization for Cooperation and Security in Europe, Mr. Rolf Ikeus, paid an official visit to Turkmenistan and travelled to border areas and schools in Dashoguz province of Turkmenistan, where children of various nationalities are educated, highly skilled teachers of different nationalities are working and schools are specialized in teaching the Russian, English and German languages.

In the period from 7 to 9 March 2005, the Ambassador of the Netherlands for Human Rights, Mr. Pete de Clerk, visited Turkmenistan. During the visit he had an opportunity to hold meetings in ministries where issues of cooperation in the field of human rights were discussed, in particular, the issue of the access of representatives of the International Committee of the Red Cross (ICRC) to detained persons and the issue of religious organizations.

Currently, an active process of negotiation is under way with representatives of ICRC on preparation of the draft agreement on cooperation between ICRC and Turkmenistan, which envisages, inter alia, visits to penitentiaries. The Turkmen side has confirmed its readiness to provide ICRC with the opportunity to visit penitentiaries and also give access to all prisoners. At the same time, the Turkmen side notes that access to prisoners who have been convicted for terrorist acts will be carried out in the presence of a representative of the Turkmen side.

On 12 May 2005, the sixth session of the joint committee "European Union-Turkmenistan" took place in Ashgabat.

During the session, an exchange of views on issues of mutual interest took place, in particular, on issues of cooperation in the fuel and energy sector, the areas of transportation and communications, agriculture, environment, education and healthcare.

The practical steps undertaken by Turkmenistan in enhancement of relations with the European Union and Member States of the European Union have also received high praise of the members of the Joint Commission. Noting high economic growth rate of Turkmenistan the European partners called it a foundation for successful implementation of further reforms both in the area of social and economic development of the country and in the area of improvement of democratic institutions of public administration.

This thought was also reiterated during the meeting that took place in the second half of the day in the Turkmen National Institute on Democracy and Human Rights under the President of Turkmenistan, where the parties discussed aspects of cooperation in the humanitarian sphere, including in the area of human dimension.

During the period from 27 to 30 September, an official visit of the Special Representative of the European Union for Central Asia, Mr. Jan Kubish, took place.

During the visit, meetings with the President of Turkmenistan and other officials of the Government of Turkmenistan took place, at which matters of further development of partnership relations between European Union and Turkmenistan were discussed.

Among the priority areas of bilateral cooperation specified in the framework of the meeting alongside with its political, commercial, economic aspects, issues of a humanitarian nature were considered.

It was noted that deepening of democratic processes in Turkmenistan is a part and parcel of the successful comprehensive development. In this connection, the Special Representative of the European Union highly appraised the adoption of the law prohibiting child labour in Turkmenistan. According to the Special Representative, this example stands on the level of universal priorities in developing civil society and could serve as a worthy example for the countries of the region.

In September 2005 the delegation of Turkmenistan actively participated in the work of the annual Warsaw meeting on the human dimension, at which a whole range of issues of human rights was discussed. At the meetings the delegation of Turkmenistan, on numerous occasions, made official statements with an exact and clear account of our position on many issues, including on the situation of national minorities, rule of law, independence of court and transparency of justice, freedom of religion and beliefs, death penalty and national institutions on human rights, etc.

The head of the Regional Office of ICRC, Mr. Rolin Vavre, visited Ashgabat on a regular basis during 2004-2005. During his visits, a broad range of issues of mutual interest, including issues related to the preparation of an agreement between Turkmenistan and ICRC on visits to penitentiaries, were discussed. At the present time, the proposals of the Turkmen side are being studied by ICRC.

As is noted in the report of the Secretary-General of the United Nations, cooperation with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and EU is

developing positively and positive processes in the promotion of human rights issues in Turkmenistan are evident.

Turkmenistan will work on the preparation of its national reports, in accordance with the International Covenant on Economic, Social and Cultural Rights and other international instruments in the field of human rights, which will be submitted to the relevant international bodies.

United Nations A/C.3/60/11

General Assembly

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Sixtieth session
Third Committee
Agenda item 64
Advancement of women

Letter dated 7 November 2005 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

On behalf of the Executive Board of the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and in accordance with article III, paragraph 3 (d), of the Statute of the Institute, I have the honour to inform you of the following:

1. On 31 October 2005, the Executive Board of INSTRAW met to review the Institute's progress from June to October 2005 as well as to study the proposed fund-raising strategy for INSTRAW.

2. The Executive Board took note of the activities implemented from June to October 2005 in the four areas in the Strategic Plan approved earlier (INSTRAW/EB/2005/R.2 and INSTRAW/EB/2005/R.5/Rev.1) and was satisfied with the progress made by INSTRAW in such a short period of time.

3. The Executive Board studied a report on fund-raising strategy which had been requested from the Director at the previous Board meeting held on 1 June 2005 (INSTRAW/EB/2005/R.6).

4. The Executive Board decided to establish a Subcommittee composed of three Board members with the objective of analysing in greater detail the content of the document as well as the various suggestions made, in order to prepare recommendations for making the Institute financially sustainable.

5. The INSTRAW Board recommends that the General Assembly should support INSTRAW activities and appeals to the Assembly to provide sufficient financial assistance to the Institute so that it can carry out its activities in accordance with its workplan and its budget (INSTRAW/EB/2005/R.3), while the financing channels suggested in the strategy report are examined and decided upon.

On behalf of the Executive Board, I request you to circulate this letter as a document of the General Assembly for its study and debate in the Third Committee, under agenda item 64 of the sixtieth session of the General Assembly.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

05-60534 (E) 161105

United Nations A/C.3/60/12

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Sixtieth session
Third Committee
Agenda item 69 (b)
Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Letter dated 14 November from the Permanent Representative of Botswana to the United Nations addressed to the Secretary-General

I wish to refer to paragraph 67 of document A/60/307 dated 29 August 2005, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", which states: "Survival International Limited, an NGO based in the United Kingdom, reported on its action with regard to the protection of the human rights of the Bushmen (Basarwa/San) in Botswana. The organization considered that the Basarwa/San peoples suffer from cultural, social, economic and political exclusion and do not enjoy group rights to land. The organization expressed concern at expressions of prejudice against the Basarwa/San people, including those made by public officials."

The Government of Botswana rejects the contents of this paragraph. We condemn the action by Survival International Limited to spread falsehoods about Botswana. Botswana has a solid history of consistent determination to build a free, democratic and non-racial society even at a time when the country was completely surrounded by racist minority regimes and apartheid oppressors. The attempt by this non-governmental organization to characterize Botswana in the terms reflected in the above-mentioned paragraph is an unwarranted attempt to insult the people of Botswana, their leaders and their national institutions.

A comprehensive response by the Government of Botswana is annexed to the present letter. I request that the present letter and its annex be circulated as a document of the General Assembly under agenda item 69 (b).

05-60910 (E) 181105

ANNEX

FACTS ABOUT THE RELOCATION OF THE FORMER RESIDENTS OF THE CENTRAL KALAHARI GAME RESERVE (CKGR) – GOVERNMENT OF BOTSWANA

1. The Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is an important document. It represents the collective will of the international community to eliminate the injustices that accompany racism, racial discrimination, xenophobia and related intolerance. The Declaration was adopted at a time when the Republic of South Africa was approaching a decade of freedom and democracy. Thus the Conference was also an expression of the collective desire of the international community to see South Africa succeed in building a free, democratic and non-racial society after the country had for too long been subjected to institutionalized racism and crimes against humanity. The timing and venue for the Conference could not have been more appropriate. It is all the more important that the implementation and follow-up to the Declaration and Programme of Action should not be trivialized by fringe organizations that insist on unreasonable positions and have no respect for the democratic process.

2. The Government of Botswana deeply regrets that Survival International Limited, an organization that seems to own a patent for spreading deliberate lies about the situation in Botswana, has sought to use this agenda item to mislead the international community. Survival International has repeatedly made unsubstantiated allegations about the voluntary relocation of the former residents of the Central Kalahari Game Reserve (CKGR). It has resorted to the desperate and shameful notion of telling lies as many times as possible in the hope that such lies would eventually be considered as fact. This is facilitated by modern means of communication which make it possible for a handful of individuals such as Survival International to spread falsehoods on a global scale at the push of a button. In the paragraph that follow, the Government of Botswana provides comprehensive information on the situation in Botswana.

3. The CKGR was established in 1961 to protect wildlife resources and provide sufficient land for traditional use by hunter-gatherer communities of the Central Kalahari. However a study commissioned by Government in 1985 revealed that the residents of the CKGR had abandoned the traditional nomadic hunter gatherer way of life (hunting on foot with bows and arrows) in favour of a sedentary lifestyle and hunting with traps, spears, dogs, and guns, on horseback and occasionally motor vehicles.

4. The residents were also grazing increasing numbers of livestock within the Game Reserve. In the area around Old Xade, it was found that wildlife and veld-foods had thus been virtually eliminated within a radius of 40km, an area of 5 000 square kilometers.

5. The conclusion was that, the development of permanent settlements in the Reserve coupled with the new hunting and herding activities of the residents were inconsistent with wildlife conservation in the CKGR. The Government's findings, in this respect, were consistent with what had already been reported by various independent researchers over many years. In his much cited study "The Social Influence of Change in Hunting Technique among Central Kalahari San" [African Studies Monographs 5], for example, the Himeji-Dokkyo University anthropologist Masakazu Osaki reported that during his stay in Xade between September and February in 1982/3, of the 91 large ungulates killed by hunters only one of these was brought down by traditional bow and arrow. As Osaki further noted in a follow-up work, "Reconstructing the Recent History of the Gui and Gana Bushmen" [African Studies Monographs No. 26]:

"At present, the traditional hunting with bow and arrows is outdated while trap hunting thrives. Spear hunting with dogs, hunting on horseback also thrives."

6. External experts have also understood that changes in hunting techniques have been part of a wider social transformation. As the Cambridge University legal anthropologist James Suzman observed in his 2003 overview "Kalahari conundrums: relocation, resistance and international support in the Central Kalahari Botswana" [Before Farming 2002/3-4 (12)]: "With easy water [Old] Xade's population grew rapidly. By 1980 it was a permanent settlement and two years later the Government built a school and a health centre there. Game avoided the area, veld-foods were over-utilised and the people grew increasingly reliant on state aid. Residents of Xade also realized that with permanent water they could keep livestock. As other water-points were established during the 1980s the residents of the CKGR brought more goats, donkeys, dogs and horses into the reserve. Horses and dogs were particularly prized since they radically increased hunting efficiency and range ....

"Likewise, year-round access to potable water allowed the Xade population to experiment with cultivation. With support from agricultural extension services some managed small harvests of sorghum, maize and cow peas. By 1985, it was reported that almost all Gwi plated gardens. In so doing the Gwi and Gana demonstrated that not only were they unafraid of change, but if appropriately delivered they were willing to embrace it."

7. In accordance with our democratic beliefs, policies and practices, in 1985 the Government of Botswana initiated consultations with the residents of the CKGR on their relocation. It was only in 1997, 12 years later, that the actual relocation started after 1739 residents had agreed to relocate to new settlements, which they themselves had freely selected. These settlements are Kgoesakeni (New

Xade), Kaudwane and Xere. The selection was based on, amongst others, the terrain and surrounding vegetation, which are similar to that found inside the Game Reserve.

8. All the people who relocated from the CKGR were paid compensation for their properties and also assisted with vehicles to transport their belongings, which included livestock, to the new settlements. The total sum paid as compensation to 730 households between 1997 and 2002 amounted to P4.4 million (US$900 000).

9. Compensation was mainly for developments on the vacated plots in the CKGR, especially traditional huts, wooden poles, shade trees, and ploughing fields. The residents were also paid a disturbance allowance calculated at 10% of the total compensation. Total compensations ranged from P1 000 (US$220) to P100 000 (US$22 000) per adult resident or family unit depending on properties owned.

10. In addition to the above, Government provided the relocating residents with livestock. Two thousand, three hundred (2 300) cattle and two thousand and eighteen (2 018) goats have so far been provided to 602 beneficiaries, with each family allocated either 5 head of cattle or 15 goats. Individuals, themselves, were given the opportunity to choose between cattle or goats. Government has also ensured that there is water for livestock in areas to which they have relocated.

11. According to the 2001 Botswana Population and Housing Census, there were 689 people who still remained in the CKGR. Of this number only 17 people, who are members of two related families, did not agree to relocate. In addition, in the past two years, a small number of those who had earlier relocated have since gone back to the Reserve. Thus the number of people residing in the Reserve fluctuates between 50 and 70. Here we use the term fluctuate because most of these people move in and out of the Reserve on a frequent basis.

Economic and social development

12. The relocated communities now live in settlements which in accordance with Government policy are targeted for accelerated provision of the amenities. Government introduced the Remote Area Development Policy in 1978 out of the realization that there were some communities which may remain marginalized if special, proactive measures were not designed and undertaken to assist them. The objectives of the Remote Area Development Programme (RADP) are:

- to intensify development of remote settlements and bring them to the level obtaining in other villages in the country;

- to promote productive and sustainable income and employment generating activities;
- to promote social, cultural and economic advancement of Remote Area Dweller communities; and,
- to enhance these communities' access to land.

13. The RADP has a budget of P61 million (US$14 million) during the current National Development Plan 9 (2003 – 2008). The Programme currently covers 64 Remote Area Dweller settlements spread across seven districts in Botswana, namely, Southern, Kgatleng, Kweneng, Central, North West, Ghanzi and Kgalagadi. Basarwa have settlements in most parts of Botswana. Basarwa are thus not only found in and around the CKGR, but all over the country and indeed Southern Africa.

14. The status of development obtaining at these settlements is as follows:

- Potable water

All 64 settlements are provided with potable water for domestic consumption and other uses by the communities.

- Education

Sixty-three (63) of the settlements have primary schools with a total enrolment of 16 492 pupils supported by the RADP. A further 3 786 secondary and tertiary students are also supported by the RADP. To further improve access to education for remote area communities, boarding facilities are provided at 17 of the settlements. In this respect, the children of those few who have remained inside the CKGR have been among those who have continued to benefit from boarding facilities, being also transported to and from the Game Reserve at Government expense during school holidays.

- Health

Fifty-eight (58) of the settlements have a health post. Other settlements are serviced by mobile clinics. Construction of a clinic with maternity ward has been completed at Kgoesakeni (New Xade) at a cost of P4 million (US$880 000).

- Economic empowerment

Under the Economic Promotion Fund, P5 283 900 (US$1.1 million) has been provided for small scale income generating activities. In the new settlements of Kgoesakeni (New Xade) and Kaudwane several economic activities have been initiated as indicated in the tables below.

Kgoesakeni (New Xade)

Project type I	No. of Beneficiaries
Basket weaving	1
Candle making	1
Brick moulding	3
Knitting	6
Sewing	6
Poultry	4
Carpentry	4
Bakery	2
Welding and Fabrication	2
Leatherworks	2

Project type II	No. of Beneficiaries
Backyard garden	60
Backyard poultry units	60
Self help houses	60
Toilets	50
Crafts	30

Total cost for projects at Kgoesakeni (New Xade) = P2 844 600. (US$626 000)

Kaudwane

Project type I	No. of Beneficiaries
Tannery	18
Carpentry	3
Welding	1
Sewing	7
Knitting	4
Brick moulding	1
Woodwork	1
Leatherwork	1

Project type II	No. of Beneficiaries
Backyard garden	30
Backyard poultry units	30
Self help houses	60
Toilets	30
Dry land production	10
Crafts	20

Total cost for Kaudwane projects = P2 439 300. (US$537 000)

Xere

Project type I	No. of Beneficiaries
Sewing	5
Tannery	4
Bakery	2
Carpentry	2

15. The former residents of the CKGR are issued with special game hunting licences. According to the Botswana Wildlife Conservation and National Parks Act No. 28 of 1992 Section 30 (1), for an individual to be issued a special game licence, he/she should principally be dependent on hunting and gathering veld produce for their food. This is no longer the case with the former residents of the CKGR but all the same Government has made a special dispensation to enable them to have access to game and veld products which they can obtain from the Wildlife Management Areas (WMA) adjacent to the Game Reserve. As the Game Reserve is not fenced there is free movement of wildlife between the Game Reserve and the WMAs.

Development of settlements in Botswana

16. The development of settlements in Botswana, both large and small, is guided by the National Settlement Policy which was developed and designed to, amongst others, promote the optimal use of the limited resources at Government's disposal. By necessity, population size, location, and economic viability are among the practical criteria used in determining the development and provision of services to settlements. A remote area dweller settlement must have a minimum of 250 people and must be located at least 15km away from a recognized settlement/village to qualify for infrastructure facilities and other services. People residing in settlements of less than 250 people are persuaded to relocate or come together with others to form bigger settlements where they could be provided with services in a cost effective manner. This arrangement applies throughout the country. As a matter of fact, living conditions in the new settlements are far superior when compared to those inside the Game Reserve. Government has an obligation to ensure that all citizens are afforded basic social amenities such as education, health facilities, economic opportunities, all of which were not available and/or could not be provided without adversely affecting the status of the Game Reserve.

17. A decision was taken to terminate services inside the CKGR after it became apparent that with the small number of people remaining inside the Game Reserve, 17 people from two related families, the continued provision of services was uneconomical and unsustainable. Those that remain in the Reserve, however, are free to find ways on their own to access services at areas nearest to them and they are in fact doing so. They collect food rations, pensions and access various other services from the settlements adjacent to the Game Reserve.

Land tenure and access to land

18. Every citizen of Botswana has a right to apply for and be allocated a piece of land anywhere in Botswana irrespective of their ethnicity. Everyone is further entitled to utilize the land in accordance with the provisions of the tenure system within which the piece of land falls. Where conflict of land use arises the concerned individual or community is advised to seek another place where there will be no such conflict. The former residents of the CKGR are not the first nor will they be the last to be asked to relocate. In the past communities in Botswana have been asked to relocate to give way for development or the establishment of Game Reserves. These include, people who previously resided in the Kgalagadi Gemsbok, Makgadikgadi, Chobe and Moremi Game Parks and Reserves.

19. Botswana has a land mass of approximately 582 thousand square kilometers. Three systems of land tenure obtain namely, **tribal land** (73%), **state land** (23%), and **freehold land** (4%). **Tribal or communal land** forms a large part of rural Botswana and falls under the jurisdiction of statutory Tribal Land Boards. Applicants are allowed to identify pieces of land for residential, commercial, industrial, recreational and agricultural purposes for which they would like to apply, and are allocated land free of charge.

20. In allocating land, the Land Board may issue a certificate of customary land grant or a common law lease. A customary land grant entitles applicants user rights as opposed to property rights. In the case of common law leases, the lessees can use the land for collateral purposes. Common law leases range from 50 years for commercial, industrial, civic and community use and 99 years for residential use. The new settlements of Kgoesakeni (New Xade), Kaudwane and Xere fall within this customary tenure system. The residents of these settlements have thus been allocated land free under the same conditions as all other citizens. The area of the CKGR has, since the late nineteenth century, had the status of State Land.

Ancestral land claim

21. Survival International has sought to mislead members of the international community by alleging that Basarwa have no right to land. Historically, there are some tribal areas named after some ethnic groups. Such areas, however, are composed or consist of various ethnic groups some of which are quite sizeable. In other words there are many ethnic groups in Botswana which do not have areas named after them but that does not deny them the right to land any more than England can now be said to be exclusively for the English.

22. In the above context, Botswana's National Settlement Policy does not give power to any particular ethnic group to allocate land. Instead land is allocated by Land Boards whose legal mandate is to, among other things, ensure that every citizen, regardless of ethnic origin is allocated land anywhere in the country on the basis of first come first served. The relocated Basarwa and other former residents of the CKGR have rights to the land they have been allocated like any other citizen. They can use it for residential, farming and any other business venture. It is therefore a deliberate lie to seek to persuade the world to believe that the relocation meant those affected would not get land at all. Like all other citizens, Basarwa living throughout Botswana,

whose number is estimated at about 60 000, are entitled to land in accordance with this policy. Survival International would want the world to believe that Basarwa [San] from the CKGR are the last people of Basarwa identity left in Botswana. In fact the former residents of the CKGR are only a very small proportion of the people of Basarwa identity who live in the country. There are about 64 settlements spread across the country in which Basarwa are either the dominant or exclusive residents. It is, perhaps, also worth noting that almost half of the Game Reserve's former population were non-Basarwa in their ethnic identity, being mostly speakers of a Tswana dialect.

Mining Activities

23. Allegations have been made that the Basarwa and others living in the CKGR were relocated to make way for mining activities. At the moment there are no mining developments in the CKGR. The only activities related to mining are the exploration of minerals which began in the 1960s covering the whole of Botswana. Over the years there has been an oscillation of prospecting activity across the country, including in the CKGR. Between 10% and 70% of Botswana has over this period been approved for mineral prospecting, including Gaborone, the capital city and the CKGR.

24. About 1 400 new prospecting licences have been issued since 1975 (excluding renewals). Out of this number only a very small percentage have resulted in the discovery of actual mineral deposits. Of these, an even smaller proportion are commercially viable in scale. Currently, there are only 8 mines that are in production in the country – 4 diamond mines, 2 copper/nickel mines, 1 gold mine, 1 soda ash mine and 1 coal mine.

25. In 1980, Falconbridge Explorations Botswana (a subsidiary of Falconbridge of Canada) discovered a small kimberlite pipe of about 11.5 hectares overlain by some 70 metres of sand cover at Gope, inside the CKGR. Falconbridge judged that the potential commercial significance of the discovery could be evaluated more effectively with the use of advanced technologies which were propriety to DeBeers. In this respect, Falconbridge and DeBeers formed a joint venture company, the Gope Exploration Company, for the purpose of undertaking detailed evaluation of the Kimberlite pipe. On the basis of small samples of ore and diamonds, the pipe was assessed as being sub-economic with relatively low ore grades and low diamond valuations. The deep sand cover, remote location and low values adversely affected the potential economic viability of mine development.

26. Following the conclusion that mining the Gope deposit would not be viable, Gope Exploration applied for and was granted a Retention Licence in November 2000. In terms of this Retention Licence, the investors must submit annual reviews of their feasibility study to demonstrate that the project remains uneconomic. The Retention Licence may extend to a total period of six years with escalating licence fees becoming payable to the Government of Botswana. There is no mining at Gope or anywhere else in the CKGR. It must be noted that Gope is about 200 kilometres from Old Xade. It cannot be logical to move people because there are plans to undertake mining in a location some 200 kilometres away. In any case mining naturally attracts

people and townships grow around mines. There is therefore no reason to suspect that in the case of Botswana mining will result in people being relocated.

27. All the exploration equipment at Gope has since been removed and the rehabilitation of the site undertaken. However, it must be placed on record that mining in Botswana is not a secret undertaking and will never be a secret. We have policies and laws that are attractive to private investment including and especially private foreign investment. It is these laws, policies and practices that attract mining companies to prospect for and subsequently exploit the diamonds, copper-nickel, coal, gold and soda ash deposits.

28. In all these instances, both the discovery and commencement of mining were publicly announced by Government. If a rich diamond deposit or any other valuable mineral were to be found anywhere in Botswana, including the CKGR, it will not be necessary for anyone to whisper it to anybody. The Government of Botswana would make a public announcement and its intentions regarding the exploitation of the natural resource would be a matter of public record.

Mineral rights

29. According to Botswana laws, mineral rights are the property of the state, irrespective of the ownership of the land on which they are found. This is the reason why existing mines in the country are not subject to claims of ownership of mineral rights from communities resident in the areas of exploration and mining development. This ensures that all the citizens have a common stake and enjoy common benefits from mineral revenues. Revenues derived there from, have been used to build schools, roads, clinics, hospitals, educate our people, provide potable water, electricity, telecommunications for the benefit of people throughout the country including the former residents of the CKGR.

Cultural Heritage

30. Survival International has alleged that Basarwa people who have been relocated would not be able to practice their culture outside the Game Reserve. Facts are:

    i. that the geographical features of the areas to which they have relocated is no different from where they were; and,

    ii. the new settlements have not been integrated into bigger settlements or villages. Basarwa continue to live in smaller communities as it was the case inside the Reserve.

31. However, the culture of Basarwa like any culture cannot be immune from influences of other cultures and/or vice-versa. In fact, those who have travelled to Botswana and experienced the cultures of different communities in Botswana would appreciate how much influence the Basarwa culture has had in other cultures, particularly in

areas such as dance, music and artifacts. The communities within the CKGR were, moreover, in fact ethnically mixed and, according to their own traditions and historical documentation, had long been so.

Political participation and Community leadership

32. We consider those who claim to be representing Basarwa to have nothing but contempt for the democratic and freely chosen leadership of the people who relocated from the Game Reserve. The Chiefs of all the settlements concerned were all elected by the Basarwa without any interference from the Government. As in any other society, it can be expected that they are the ones who should speak on behalf of their people. But like in any democratic society, there will always be a few who may not agree with the view of the majority.

33. In addition to the traditional leadership, each of the new settlements have their own political leadership in the form of Village Development Committees, Councillors and Members of Parliament who are part of the political leadership of the country elected freely to articulate community and national interests. All Botswana political parties battle hard during elections in these communities to garner their support and do so knowing that they are going to represent the concerned people in the representative and governance structures of the country.

34. Botswana is a democracy. We have an open, transparent and accountable Government. In this respect we have afforded all those who wish to assess the true facts on the ground the opportunity to do so. These include groups and individuals ranging from politicians to media from all over the world. This we have done at great cost to ourselves. The findings of well meaning people so far have been positive. This explains the reason why negative information being sent out about the CKGR relocation emanates from one source, Survival International, whose motive, has nothing to do with the interests of the Basarwa. The challenge remains for them to produce the evidence.